

BINGHAM MCCUTCHEN LLP
DONALD DAVIDSON (SBN 231908)
KEVIN J. WOODS (SBN 214819)
Three Embarcadero Center
San Francisco, CA 94111
Telephone: 415-393-2000
Fax: 415-393-2286
donald.davidson@bingham.com
kevin.woods@bingham.com

Of Counsel
BINGHAM McCUTCHEN LLP
MICHAEL D. BLANCHARD
One State Street
Hartford, CT 06103-3178
T 860.240.2700
F 860.240.2800
michael.blanchard@bingham.com

Attorneys for Defendants
Wachovia Securities, LLC, Wachovia Securities
Financial Network, LLC, Wachovia Capital Markets,
LLC, Wells Fargo Advisors, LLC, Wells Fargo
Advisors Financial Network, LLC, Wells Fargo
Securities, LLC, Wells Fargo & Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THEODORE KAGAN, JAMES AVEN, LAURA
JACOBS, JOSEPH SOFFE, and ALBERKRACK
FAMILY LIMITED PARTNERSHIP, on behalf
of themselves and all others similarly situated,

Plaintiffs,
v.

WACHOVIA SECURITIES, LLC, a North
Carolina limited liability company; WACHOVIA
SECURITIES FINANCIAL NETWORK, LLC, a
North Carolina limited liability company;
WACHOVIA CAPITAL MARKETS, LLC, a
North Carolina limited liability company;
WELLS FARGO ADVISORS, LLC, a Delaware
limited liability company; WELLS FARGO
ADVISORS FINANCIAL NETWORK, LLC, a
Delaware limited liability company; WELLS
FARGO SECURITIES, LLC, a Delaware limited
liability company; WELLS FARGO &

No. CV 09 5337 SC

**JOINT STIPULATION BETWEEN
PLAINTIFFS AND DEFENDANTS
RE DATES FOR FILING
RESPONSIVE PLEADING**

Place: Courtroom 1
Judge: Hon. Samuel Conti

A/73308782.1/3003050-0000343638

1 COMPANY, a Delaware corporation and DOES
 2 1 through 10, inclusive,
 3 Defendants.

4 This Stipulation is entered into by and among plaintiffs Theodore Kagan, James
 5 Aven, Laura Jacobs, Joseph Soffa and Alberkrack Family Limited Partnership (collectively,
 6 "Plaintiffs"), on the one hand, and defendants Wachovia Securities, LLC, Wachovia Securities
 7 Financial Network, LLC, Wachovia Capital Markets, LLC, Wells Fargo Advisors, LLC, Wells
 8 Fargo Financial Network, LLC, Wells Fargo Securities, LLC and Wells Fargo & Company
 9 (collectively, "Defendants"), on the other hand, with the following facts:

10 A. Plaintiffs filed their Summons and Complaint in the above-captioned matter
 11 (the "Complaint") on or about November 10, 2009;

12 B. Plaintiffs served their Complaint on Defendants on or about January 22, 2010;

13 C. Defendants' response to the Complaint is currently due by Thursday, March
 14 11, 2010.

15 D. A Joint Case Management Conference Statement is currently due by April 27,
 16 2010;

17 E. A Case Management Conference is currently set for May 7, 2010, at 10:00
 18 a.m. in Courtroom #1;

19 F. Plaintiffs and Defendants have met and conferred in good faith over the claims
 20 asserted in the Complaint.

21 **IT IS HEREBY STIPULATED AND AGREED as follows:**

22 1. Defendants' response to the Complaint is currently due by Thursday, March 11,
 23 2010.

24 2. A Case Management Conference is set for May 7, 2010, at 10:00 a.m. in
 25 Courtroom #1, and the Plaintiffs' and Defendants' Joint Case Management Conference
 26 Statement is due by April 27, 2010.

3. Defendants seek a further extension of time to respond to the Complaint, to allow Plaintiffs and Defendants to further discuss the issues presented in the Complaint, and potentially narrow those issues. Defendants also seek additional time for preparation of the response to the Complaint.

4. Plaintiffs consent to granting all Defendants an extension of time in which Defendants must respond to the Complaint. Subject to the Court's approval, all Defendants shall file their response to the Complaint on or before April 1, 2010.

5. Plaintiffs and Defendants have met and conferred in good faith over the claims asserted in the Complaint.

DATED: March 4, 2010

Bingham McCutchen LLP

By: Kevin J. Woods
 Donald S. Davidson
 Michael D. Blanchard
 Kevin J. Woods
 Attorneys for Defendants

DATED: March 2, 2010

Kabateck Brown Kellner LLP

By: Michael V. Storti
 Michael V. Storti
 Attorney for Plaintiffs

